

REMARKS/ARGUMENTS

The Examiner informed Applicants that an interview could be held following submission of this Response. Applicants request an interview to discuss this response if the Examiner does not find that this response places the Application in condition for allowance. .

1. Amended Claim 1 Complies with 35 U.S.C. §112, par. 2

The Examiner rejected claim 1 as indefinite (35 U.S.C. §112, par. 2) because the term “the adaptors” lacked antecedent basis. Applicants amended claim 1 so that the first instance of “adaptors” recites “adaptors”, to provide antecedent basis.

Applicants submit that this amendment overcomes the Section 112 rejection and request withdrawal of this rejection.

2. Claims 1, 2, 4-7, 9, 12-14, 16, 18-21, and 23-26 are Patentable Over the Cited Art

The Examiner rejected claims 1, 2, 4-7, 9, 12-14, 16, 18-21, and 23-26 as obvious (35 U.S.C. §103) over Masuyama (U.S. Patent Pub. No. 2005/0058063) in view of McIntyre (U.S. Patent No. 6,381,218). Applicants traverse.

Independent claims 1, 9, 18, and 20 require that an intermediate device driver in communication with at least one adaptor device driver providing an interface to adaptors perform operations comprising: managing transmission of data through a plurality of adaptors connected to switches; sending through the adaptors at least one query to the switches connected to the adaptor to determine a status of external ports in each queried switch communicating with a network; and in response to determining from the at least one query that no external ports are operational in one non-operational switch, indicating not to transmit data to the adaptor connected to the non-operational switch, wherein the adaptor for which indication is made not to transmit data is functioning and capable of transmitting; and indicating to transmit data to one adaptor connected to one switch having at least one operational external port in response to determining from the at least one query that at least one external port in the switch is operational when the switch was previously indicated as non-operational;

The Examiner recognized that Masuyama does not teach many of the claim limitations, and cited McIntyre to overcome the deficiencies of Masuyama. (OA3, pg. 4-6, 9-11, 15-17, 18-19). Applicants submit that McIntyre is similarly deficient for the following reasons.

The Examiner cited col. 2, lines 1-20 of McIntyre as teaching the claim requirement of sending through the adaptors at least one query to the switches connected to the adaptor to determine a status of external ports in each queried switch communicating with a network. (OA3, pg. 5) Applicants traverse.

The cited col. 2 mentions that a network controller has ports and a driver. The driver determines and updates the status of the network ports based on whether at least one directed packet has been received and transferred to the driver by a network port. If a network port has not received a directed packet with a time period, the driver commands another network port to transmit a heartbeat packet to the network that has not received a directed packet.

The cited col. 2 concerns a driver determining the status of network ports on the same controller. The claims require sending queries to external switches to determine the status of external ports on the switches. The cited col. 2 is determining the status of network ports in a controller by a driver in the same system as the controller. There is no teaching in the cited col. 2 of querying external switches to determine a status of external ports in each queried switch as claimed.

The Examiner cited FIG. 8 and col. 13, lines 35-67 of McIntyre as teaching the claim requirements of in response to determining from the at least one query that no external ports are operational in one non-operational switch, indicating not to transmit data to the adaptor connected to the non-operational switch, wherein the adaptor for which indication is made not to transmit data is functioning and capable of transmitting. (OA3, pg. 6) Applicants traverse.

The cited col. 13 mentions that if an intermediate driver 310 detects a failure of a primary port, it selects another port as the primary. The intermediate driver swaps receive addresses between the new primary port and the old active port to preserve the correct node addresses. As shown in FIG. 3 and corresponding discussion in col. 6, lines 43-64, the intermediate driver and NIC drivers and NIC cards are all part of the same controller system 300 installed on a computer system 100 computer system. The cited col. 13 mentions that the intermediate driver sends commands to the NIC drivers to halt their operations and reprogram their registers.

The cited col. 13 does not disclose that in response to determining that no external ports are operational in one non-operational switch, that indication is made not to transmit to the adaptor connected to the non-operational switch even though the adaptor is capable of transmitting. Instead, the cited col. 13 stops transmitting to a port in the system if failure is

detected at the port. The claims require to not transmit to an adaptor that is otherwise operational if the adaptor connects to a switch having no operational external ports. The cited col. 13 does not teach or mention not transmitting to an operational port if the port connects to a switch having no operational external ports.

Applicants further submit that the Examiner has not shown where McIntyre teaches the claim requirement of indicating to transmit data to one adaptor connected to one switch having at least one operational external port in response to determining from the at least one query that at least one external port in the switch is operational when the switch was previously indicated as non-operational. The Examiner recognized that Masuyama does not teach this claim requirement. (OA3, pg. 5).

The cited col. 13 of McIntyre discusses how an intermediate driver stops using a port that is not operational. This does not teach or suggest indicating to transmit data to an adaptor upon determining that at least one external port in a switch is operational when the switch was previously indicated as non-operational. The Examiner has not cited any reference teaching that a determination is made to use an adaptor, that is operational but not used, upon determining that an external port on a switch to which that adaptor connects is operational.

Accordingly, Applicants submit that independent claims 1, 9, 18, and 20 are patentable over the cited art because the cited Matsuyama and McIntyre do not teach or suggest all the claim requirements.

Claims 2, 4-7, 12-14, 16, 19, 21, and 23-26 are patentable over the cited art because they depend from one of claims 1, 9, 18, and 20, which are patentable over the cited art for the reasons discussed above.

3. Claims 8, 17, and 27 are Patentable Over the Cited Art

The Examiner rejected claims 8, 17, and 27 as obvious over Masuyama in view of McIntyre and further in view of Fung (U.S. Pub. No. 2002/0004912).

Applicants submit that claims 8, 17, and 27 are patentable over the cited art because they depend from claims 1, 9, and 20, respectively, which are patentable over the cited art for the reasons discussed above.

Conclusion

For all the above reasons, Applicant submits that the pending claims 1, 2, 4-10, 12-14, 16-21, and 23-27 are patentable. Should any additional fees be required beyond those paid, please charge Deposit Account No. 50-0585.

The attorney of record invites the Examiner to contact him at (310) 553-7977 if the Examiner believes such contact would advance the prosecution of the case.

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